

WATER QUALITY CONTROL COMMISSION NOTICE OF PUBLIC HEARING

The New Mexico Water Quality Control Commission (“WQCC”) will hold a public hearing after its regularly convened meeting beginning at 9:00 a.m. on Tuesday September 9, 2003 in Room 321 of the New Mexico State Capitol Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico. Any interested persons or parties are encouraged to participate or attend.

The public hearing will be held to consider the amendment to 20.6.2.4105 NMAC proposed below. The reason for the proposed amendment is to extend the current exemption from abatement plan requirements for underground storage tanks to both above ground and underground storage tanks, to be consistent with recent legislative amendments giving the Petroleum Storage Tank Bureau authority over both above ground and underground storage tanks. The Environmental Improvement Board recently amended the Petroleum Storage Tank Regulations (20.5.5 NMAC) to provide preventive requirements and technical tank standards for above ground storage tanks, access to the Corrective Action Fund for leaks from above ground storage tanks, and corrective action requirements for remediation of leaks from above ground storage tanks.

The proponent of the proposed amendment is the New Mexico Petroleum Storage Tank Bureau (the “Bureau”) of the New Mexico Environment Department (the “Department”). The Bureau proposes to amend 20.6.2.4105 NMAC as follows:

20.6.2.4105 NMAC – Exemptions from Abatement Plan Requirements

The proposed amendment deletes the word “underground” from the exemption in 20.6.2.4105.A(1) NMAC so that all storage tanks (aboveground and underground) fall under the same exemption. Additionally, the proposed amendment corrects the title of the storage tank regulations, which has been changed to “Petroleum Storage Tank Regulations.”

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, adopted pursuant to the Water Quality Act, NMSA 1978, Section 74-6-6.

Any person may provide a general written statement concerning the regulation amendment at or before the hearing by filing the statement with the Secretary of the WQCC, Geraldine Madrid-Chavez, at Environment Department, Secretary to WQCC, P.O. Box 26110, Santa Fe, New Mexico 87502. Any person may provide a general oral statement or non-technical testimony concerning the proposed amendment at the hearing.

Any person who intends to provide a technical written statement or technical oral testimony concerning the proposed change to the regulations shall file an original and ten copies of a statement of intent to present technical testimony on or before Monday August 25, 2003 with Geraldine Madrid-Chavez, Environment Department, Secretary to WQCC, P.O. Box 26110, Santa Fe, New Mexico 87502, and 1 copy with the petitioner

(Petroleum Storage Tank Bureau, New Mexico Environment Department, 2044 Galisteo Street, Suite A, Santa Fe, NM 87504). The statement of intent to present technical testimony shall:

1. Identify the person filing the statement, the witness, and the person for whom the witness(es) will testify;
2. Identify each technical witness the person intends to present and state the qualifications of that witness including a description of their educational and work background;
3. Summarize, or include a copy of, the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;
4. Include the text of any recommended modifications to the proposed regulatory changes;
5. List and describe, or attach, all exhibits anticipated to be offered by the person at the hearing.

Interested persons may review hard copies of the proposed amendments during regular business hours at the Petroleum Storage Tank Bureau located at 2044 Galisteo Street, Suite A, in Santa Fe, New Mexico; at the Albuquerque District Office located at 4131 Montgomery Boulevard NE; or at the Environment Department's web site at www.nmenv.state.nm.us. Interested persons may also contact Edwina Ferguson at 505 984-1741 to obtain hard copies of the proposed amendments.

The WQCC may make a decision on the proposed regulatory changes at the conclusion of the hearing.

If you are an individual with a disability and you require assistance or an auxiliary aide, i.e. sign language interpreter, to participate in any aspect of this hearing, please contact Cliff Hawley at (505) 827-2844, New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 26110, Santa Fe, New Mexico 87502. (TDD or TDY users please access this number via the New Mexico Relay Network. Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-959-1779.)